

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)
 Plaintiff,)
vs.) Case No. 06-6009-01-CR-W-FJG
Phillip E. Fish,)
 Defendant.)

ORDER

Pending before the Court is defendant's motion to suppress evidence with suggestions (Doc. #25), filed September 8, 2006, and the government's suggestions in opposition (Doc. #26), filed September 13, 2006.

On October 16, 2006, United States Magistrate John T. Maughmer held an evidentiary hearing on the pending motion to suppress. Thereafter, on November 29, 2006, Magistrate Maughmer entered a report and recommendation (Doc. #40) which recommended denying the above-mentioned motion. No objections to Magistrate Maughmer's report and recommendation were filed.

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that defendant's motion to suppress evidence (Doc. #25), filed September 8, 2006, must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that defendant's motion to suppress evidence (Doc. #25), is denied.

/s/Fernando J. Gaitan, Jr.

Judge Fernando J. Gaitan, Jr.
United States District Judge

Dated: December 20, 2006
Kansas City, Missouri